

1 JAMES W. GERIAK (State Bar No. 32871)
jgeriak@orrick.com
2 ALLAN W. JANSEN (State Bar No. 81992)
ajansen@orrick.com
3 ROBERT W. DICKERSON (State Bar No. 89367)
rdickerson@orrick.com
4 MARK STIRRAT (State Bar No. 229448)
mstirrat@orrick.com
5 ORRICK, HERRINGTON & SUTCLIFFE LLP
4 Park Plaza, Suite 1600
6 Irvine, CA 92614-2558
Telephone: (949) 567-6700
7 Facsimile: (949) 567-6710
8 Attorneys for Defendant
NEW STAR LASERS, INC. d/b/a COOLTOUCH, INC.
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14
15 VNUS MEDICAL TECHNOLOGIES, INC.,

16 v.

17 BIOLITEC, INC., DORNIER MEDTECH
18 AMERICA, INC., and NEW STAR LASERS,
INC. d/b/a COOLTOUCH, INC., DAVID S.
19 CENTANNI, and TYRELL L. SCHIEK

Case No. C08-03129-MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

AND ORDER SETTING DEADLINE TO
SERVE DEFENDANT DORNIER
MEDTECH AMERICA, INC.

WHEREAS, a Case Management Conference is scheduled to take place on October 17, 2008, at 10:30 a.m., in Courtroom No. 7;

WHEREAS, lead counsel for defendant New Star Lasers, Inc. d/b/a Cooltouch, Inc. ("Cooltouch") will be out of the country on October 17, 2008;

WHEREAS, counsel for defendant biolitec, Inc. ("biolitec") will be unavailable until after November 7, 2008 as a result of an order received on September 17, 2008 in *Keurig, Inc. v. Kraft Foods Global, Inc.* (D. Del. Civil Action No. 07-0017 GMS) ("Keurig") rescheduling trial to begin on October 30, 2008 and end on November 6, 2008. Trial had previously been scheduled to begin on October 23 and end on October 30. The three attorneys from Wolf, Greenfield & Sacks who have entered appearances on behalf of biolitec are all involved in the Keurig trial;

WHEREAS, the Court has indicated that November 14, 2008 is available for the Case Management Conference;

NOW THEREFORE, plaintiff VNUS Medical Technologies, Inc. and defendants Cooltouch and biolitec, through their respective counsel of record, hereby stipulate, agree, and jointly apply to the Court for an Order in the above-entitled action continuing the Case Management Conference from October 17, 2008 to **November 14, 2008, at 10:30 a.m., in Courtroom No. 7.** Defendants Dornier Medtech America, Inc., David S. Centanni, and Tyrell L. Schiek have not yet appeared in this matter.

Dated: September 19, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ James W. Geriak
 James W. Geriak
 Allan W. Jansen
 Robert W. Dickerson
 Mark Stirrat
 Attorneys for Defendant
 NEW STAR LASERS, INC.
 d/b/a COOLTOUCH, INC.

1 Dated: September 19, 2008

DAVIS POLK & WARDWELL

2
3 By: /s/ Matthew B. Lehr
Matthew B. Lehr
4 Diem-Suong T. Nguyen
Chung G. Suh
5 Attorney for Plaintiff
6 VNUS MEDICAL TECHNOLOGIES, INC.

7 Dated: September 19, 2008

COBLENTZ, PATCH, DUFFY & BASS, LLP

8
9 By: /s/ Howard A. Slavitt
Howard A. Slavitt
10 Attorney for Defendant
BIOLITEC, INC.

11
12 I hereby attest that I have on file written permission to sign this stipulation from all parties
13 whose signatures are indicated by a “conformed” signature (/s/) within this efiled document.

14 Dated: September 19, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

15
16
17 By: /s/ James W. Geriak
James W. Geriak
Allan W. Jansen
18 Robert W. Dickerson
Mark Stirrat
19 Attorneys for Defendant
NEW STAR LASERS, INC.
20 d/b/a COOLTOUCH, INC.

~~PROPOSED~~ ORDER

The Court, having considered the above stipulation of plaintiff VNUS Medical Technologies, Inc. and defendants New Star Lasers, Inc. d/b/a Cooltouch, Inc. and biolitec, Inc., and good cause appearing, hereby ORDERS:


1. The Case Management Conference currently scheduled for October 17, 2008 is vacated.

2. The Case Management Conference will be held on November 14, 2008.

Further, plaintiff is hereby ORDERED to serve defendant Dornier Medtech America, Inc., no later than October 27, 2008.

IT IS SO ORDERED.

Dated: September 22, 2008


MAXINE M. CHESNEY
United States District Court Judge